

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TAP ELECTRICAL CONTRACTING SERVICE,  
INC.,

Plaintiff,

-against-

E.E. CRUZ & CO., INC.,

Defendant.

-----X  
E.E. CRUZ & CO., INC.,

Third-Party Plaintiff,

-against-

URS CORPORATION (f/k/a URS Consultants, Inc  
and/or URS Corporation Group Consultants) and  
MALCOLM PIRNIE, INC.,

Third-Party Defendants.  
-----X

Civil Case No.: 07-CV-7770 (GD)

**ANSWER TO CROSS CLAIM  
WITH CROSS CLAIM**

Defendant E.E. Cruz & Company Inc. ("E.E. CRUZ") by its attorneys, Lewis Brisbois Bisgaard & Smith, LLP, as and for its Answer to the Cross-claim asserted by third-party plaintiff URS Corporation, contained in its Answer to the Third-Party Complaint, dated December 17, 2007, as against E.E CRUZ , alleges upon information and belief as follows:

1. Denies each and every allegation contained in the first and second cross-claims asserted against E.E. CRUZ as set forth in paragraphs "43" through "45" of URS's Third-party Answer and respectfully refers all questions of law to this Honorable Court for its determination.

**AS AND FOR A CROSS-CLAIM AGAINST SECOND THIRD-PARTY DEFENDANT  
WINSTON SMITH, P.E.**


The negligence and/or culpable conduct of the third-party defendant Winston Smith, P.E., P.C. contributed in whole or in part to plaintiff's/Third-Party Plaintiffs injuries and/or damages as alleged in Plaintiff's and/or Third-Party Plaintiff's Complaint. If the plaintiff and/or Third Party Plaintiff sustained any injuries and/or damages as alleged in the third-party complaint by reason of fault other than its own and judgment is rendered against this answering defendant by reason of such, then upon the theory of apportionment of responsibility and common-law indemnification, third-party defendant URS Corporation will be liable over to and required to indemnify this answering defendant for all or part of said judgment.

**WHEREFORE**, the answering Defendant/Third-Party Plaintiff E.E. CRUZ & CO., INC., demands judgment dismissing the cross-claim asserted by third-party defendant URS Corporation, together with costs, disbursements and counsel fees incurred in the defense of this action and such other and further and different relief as this Court may deem just and proper.

Dated: New York, New York  
January 9, 2008

Yours, etc.

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

By:   
Georgia S. Alikakos, Esq. (GSA-7493)  
Attorneys for Defendants E.E. CRUZ & CO., INC.,  
199 Water Street – Suite 2500  
New York, New York 10038  
(212) 232-1300

TO:

Thomas Aljian, Esq. (TA-6464)  
Podvey, Meanor, Catenacci, Hildner,  
Cocoziello & Chattman

*Attorney for Plaintiff*  
TAP Electrical Contracting Service, Inc.  
One Riverfront Plaza, 8<sup>th</sup> Floor  
Newark, New Jersey 07102  
(973) 623-9131 (fax)

Winston Smith, P.E., P.C.  
295 5th Avenue  
New York, New York 10001

Kenneth O'Reilly  
Winston & Strawn, LLP  
*Attorneys for Third-party Defendant*  
URS Corporation  
200 Park Avenue  
New York, New York 10166

Mike Heran, Esq.  
Milber, Makris, Plousadis & Seiden  
*Attorneys for Third-party Defendant*  
Malcolm Pirnie, Inc.  
3 Barker Avenue  
White Plains, New York 10601

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF KINGS )

**Toni Serrant**, being duly sworn, deposes and says:

I am not a party to this action, I am over eighteen (18) years of age and I reside in the State of New York, County of Kings.

That on **Wednesday, January 9, 2008**, I served a copy of **ANSWER TO CROSS CLAIM WITH CROSS CLAIM** upon the following:

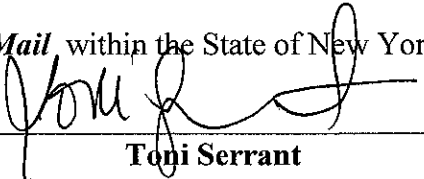
Thomas Aljian, Esq. (TA-6464)  
Podvey, Meanor, Catenacci, Hildner,  
Cocoziello & Chattman  
*Attorney for Plaintiff*  
TAP Electrical Contracting Service, Inc.  
One Riverfront Plaza, 8<sup>th</sup> Floor  
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295 5th Avenue  
New York, New York 10001

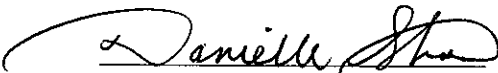
Kenneth O'Reilly  
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URS Corporation  
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*Attorneys for Third-party Defendant*  
Malcolm Pirnie, Inc.  
3 Barker Avenue  
White Plains, New York 10601

by mailing same in a sealed envelope, via **U.S. Mail** within the State of New York.

  
Toni Serrant

Sworn to before me this  
9<sup>th</sup> day of January, 2008.

  
- Notary Public -

**DANIELLE SHAW**  
**NOTARY PUBLIC, State of New York**  
**No. 01SH6151041**  
**Qualified in Kings County**  
**Commission Expires 8/2/2010**